

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16CV646 JAP/GJF
07CR45 JAP

BENNY HURTADO,

Defendant.

ORDER STRIKING SUPPLEMENTAL REPLY BRIEF [CV Doc. 13, CR Doc. 39]

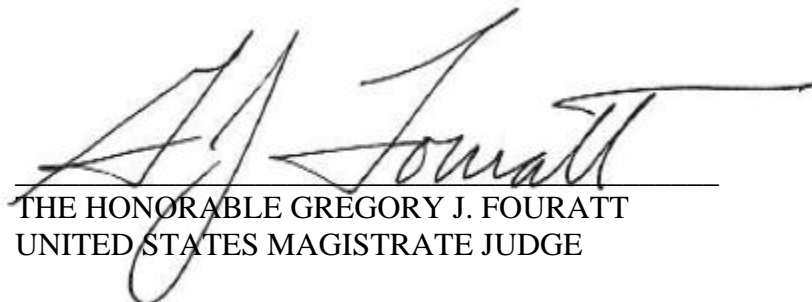
On October 19, 2016, this Court entered an order denying the United States' request to stay this matter pending the Supreme Court's decision in *Beckles v. United States*. See Order Denying Mot. to Stay, CV Doc. 7, CR Doc. 33. In the same order, the Court permitted the United States to file a supplemental response limited to the sole issue of whether Defendant's criminal history still properly classified him as a career offender under U.S.S.G. § 4B1.1. *Id.* at 3-4. The Court further authorized Defendant to file a supplemental reply brief to the United States' supplemental response. See *id.* at 4. Finally, and importantly, the same order limited the parties' supplemental briefs to no more than ten (10) pages. *Id.*

Today, after the Court twice extended his deadline to do so, Defendant filed his supplemental reply brief. See Reply, CV Doc. 13, CR Doc. 39. The brief is twenty (20) pages long. Not only does its length violate the 10-page limit established by the Court's earlier order, it also substantially exceeds the 12-page limitation for *all replies* under the Local Rules. See D.N.M.LR-Civ. 7.5 and D.N.M.LR-Crim. 47.9.

Consequently, this Court *sua sponte* will order that Defendant's supplemental reply brief

(CV Doc. 13, CR Doc. 39) be **STRICKEN**. Defendant is **ORDERED** to file a brief that complies with the Court's previous order not later than December 30, 2016.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE